

Open Space Preservation Committee
Agenda
Tuesday, May 19, 2010
MCC Conference Room
7:30 p.m.

1. Call to order
2. Roll call
3. Approval of minutes
4. Opportunity for public comment
5. Old business
6. New business
 - Comments requested regarding draft zoning map, zoning and subdivision regulations.—Comments must be received prior to 6/7/2010.
7. Reports
8. Communications
9. Other
10. Future agendas
11. Adjournment

Mansfield Open Space Preservation Committee
Minutes for April 20, 2010

1. Chairman Jim Morrow called the meeting to order at 7:45 PM
2. Members present
Vicky Wetherell, Jim Morrow, Quentin Kessel, Ken Feathers and Steve Lowrey
3. Lowrey/Feathers: Motion to approve the minutes of March 16, 2010, motion carried unanimously.
4. Public Comment: No public present.
5. Old Business:
Discussion of the Finance Board meeting, which some members attended to discuss the Open Space bonding issue
6. New Business:
Feathers/Wetherell: Motion to go into Executive Session, motion carried at 8:07 PM
Wetherall/Feathers: Motion to come out of Executive Session, motion carried at 8:20 PM

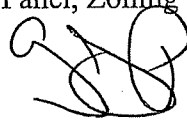
Wetherell/Lowrey: Motion to endorse recommendations made during executive session.
Motion carried unanimously
7. Reports :
 - Wetherell had been contacted by the Sustainability Committee and asked to provide them with some brochures. She found some old, but still relevant brochures regarding wetlands and agricultural and open space land.
 - Wetherell discussed Paula Stahl's power Point presentation that would be shown to the Council. It contained information regarding cost of community services for various land-use categories.
8. No Communications from other committees
10. Lowrey/Feathers: Motion to adjourn, motion carried. Meeting adjourned at 8:55 PM

Respectfully submitted
Stephen Lowrey

TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Town Council, Conservation Commission, Open Space Preservation Committee,
Agriculture Committee, Design Review Panel, Zoning Board of Appeals
From: Gregory Padick, Director of Planning
Date: April 22, 2010
Re: 6/7/10 Public Hearing
Draft Zoning Map, Zoning and Subdivision Regulation Revisions



The attached draft amendments to the Zoning Map, Zoning Regulations and Subdivision Regulations will be presented at a June 7th public hearing. Explanatory notes are provided for the subject revisions. All comments on the draft regulation revisions must be received by the Planning and Zoning Commission prior to the close of the public hearing.

The draft revisions include a proposed rezoning of the current Industrial Park Zone south of Pleasant Valley Road, establishment of a new Pleasant Valley Commercial Agriculture Zone, expansion of an existing Pleasant Valley Residence Agriculture Zone and regulation revisions to implement the subject rezonings. The proposed changes also include revisions designed to enhance the protection of aquifers and public drinking water wells and revisions designed to prevent the use of invasive plant species. A copy of the legal notice also is included.

Please contact the Planning Office at 860-429-3330 if you have any questions regarding the proposed revisions or the PZC hearing process.

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Proposed Revisions to the Zoning and Subdivisions Regulations;
Aquifer and Public Water Supply Well Protection

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(Explanatory Notes are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revision)

A. Proposed Zoning Regulation Revisions:

1. Revise Article V, Section A.3. as follows:

a. Revise subsection d.10 to read as follows:

Watercourses, swamps and other water related features, specifically including, regulated inland wetlands, flood hazard areas, state designated channel encroachment lines and identified aquifers on the site or [adjacent to] within 500 feet of the site. For more information on flood hazard areas see Article X, Section E and Article IV (definition of flood hazard area). For more information on aquifer areas see Article VI, Section B.4.m.

b. Revise subsection d.12 to read as follows:

Waste disposal and water supply facilities, including the locations and findings of all test pits, borings and percolation tests, and the location of public drinking water wells within 500 feet of the site.

c. Revise subsection g to read as follows:

Other information: Dependent on the nature of the proposal, the Commission shall have the right to require additional detailed information if it finds the information is necessary to review the application and determine compliance with applicable regulations and performance standards. Such information may include but shall not be limited to: traffic impact analysis, including specific information on how construction traffic will be regulated, routed and monitored; aquifer, watershed and flooding data; drainage calculations and documentation of necessary drainage rights or easements; environmental and neighborhood impact analysis; erosion and sedimentation control plans, future plans for adjacent land under the control of the subject applicant or owner; information on homeowner or property-owner associations; maintenance provisions; estimates of site improvements costs, and bonding agreements.

2. Revise Article V, Section A.5.d. to read as follows:

The proposal has made safe and suitable provisions for water supply, waste disposal, flood control, fire and police protection, the protection of the natural environment, including air quality and surface and groundwater quality and the protection of existing aquifers and existing and potential public water supplies, cemeteries, historic structures and other features of historic value;

3. Revise Article V, Section B.3.g. to read as follows:

Other information: Dependent on the nature of the proposal, the Commission shall have the right to require additional detailed information if it finds the information is necessary to review the application and determine compliance with applicable regulations and performance standards. Such information, which through other provisions of these regulations may be required for particular uses, may include but shall not be limited to: architectural plans of all proposed buildings, structures and signs, including exterior elevations, floor plans, perspective drawings and information on the nature and color of building

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materials; traffic studies; aquifer, watershed and flooding data; drainage calculations and documentation of necessary drainage rights or easements; environmental and neighborhood impact analysis; erosion and sedimentation control plans; future plans for adjacent land under the control of the subject applicant or owner; information on homeowner or property owner associations; maintenance provisions; estimates of site improvement costs and bonding agreements.

4. Revise Article VI, Section B.4.m. to read as follows:

Aquifer Areas - To prevent or minimize detrimental effects on the groundwater quality within aquifer areas, which are existing or potential sources of [large] significant quantities of potable water, land use activities on or within 500 feet of identified aquifer areas must be carefully reviewed and appropriately regulated. Accordingly, the following requirements shall apply to all land use activities on or within [primary or secondary recharge areas] 500 feet of aquifer areas as identified in Mansfield's Plan of Conservation and Development, Mansfield's Water Supply Plan, an October, 1979 map entitled GROUNDWATER RECHARGE AREAS, prepared by the Connecticut Area-wide Waste Treatment Management Planning Board, sheets 40, 41, 55 and 56, (on file in the Mansfield Planning Office and the Town Clerk's Office), [as may be modified by new] and any additional information obtained from the State Department of Environmental Protection, [the Tolland County Soil and Water Conservation District,] federal agencies or on-site investigation [meeting the standards of the U.S. Geological Survey].

1. No commercial or industrial land use and no residential land use involving three or more dwelling units, which utilizes an on-site waste disposal system, shall be permitted unless it can be demonstrated to the satisfaction of the Planning and Zoning Commission that the waste disposal system discharges will not contaminate aquifer recharge areas. As deemed [necessary] appropriate, the proposed land use shall be referred to the Mansfield Health Officer, the Mansfield Conservation Commission and the State Departments of Health and Environmental Protection for review comments. A written report from the owner-developer's sanitary engineer and/or geologist or other qualified professional, detailing the system design, the physical characteristics of the area, existing land uses in the area, and potential short-term and cumulative impacts on identified aquifer areas, shall be submitted to the Commission.
2. No underground fuel or chemical storage tanks shall be permitted, except after review and approval of the Mansfield Building Inspector and Fire Marshal. Where Planning and Zoning Commission approval is required for the subject use, all underground storage tanks must also be approved by the Commission. All such tanks and pipe connections shall be designed and constructed to prevent accidental contamination of groundwater. All storage tank facilities shall be designed and installed in conformance with [the] all applicable provisions of [Section 29-62 of] the State Statutes and regulations, and the standards of Underwriters Laboratories, Inc. and the National Fire Prevention Association. [The recommended standards contained in the November 1979 report of the Area Waste Treatment Management Planning Board entitled: A GUIDE TO GROUNDWATER AND AQUIFER PROTECTION (copy on file in the Mansfield Planning Office) shall also be considered.]
3. All agricultural operations must employ best management practices, as recommended by the State Department of Environmental Protection and the USDA Natural Resources Conservation Service [Tolland County Soil and Water Conservation District], for the application of manure, fertilizer or pesticides and the management of animal wastes.
4. No road salt storage and loading facilities shall be permitted except after review and approval of the State Department of Environmental Protection. Where authorized, adequate measures must be taken to prevent groundwater contamination and to detect potential contamination problems.

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5. All commercial, industrial or multi-family developments and other land uses with cumulatively more than 1/2 acre of impervious surface shall incorporate best management practices for storm water [management] controls in accordance with State Department of Environmental Protection Best Management Guidelines, [such as oil/water separators and infiltration structures] and shall prohibit or restrict the use of salts and chemicals for ice removal in order to minimize the risks of ground water contamination. A storm water management plan detailing proposed provisions shall be submitted for Commission approval.
6. All land uses involving the maintenance of lawns, fields and landscaped areas shall incorporate-rate landscape management plans regarding the use of fertilizers, pesticides, and other organic or chemical applications to minimize the risks of groundwater contamination. A landscape management plan detailing proposed provisions shall be submitted for Commission approval.

B. Proposed Subdivision Regulation Revisions:

1. Revise Section 5.2 to add a new subsection h. to read as follows (existing subsection h - m to be re-lettered i - n):
 - a. Aquifer areas and public drinking water wells on or within 500 feet of a site.
2. Revise Section 6.5 as follows:
 - a. Add a new subsection h to read as follows (existing subsection h - s to be re-lettered i - t):
 - h. Aquifer areas and public drinking water wells on or within 500 feet of a site.
 - b. Revise existing subsection i.5 (to be re-lettered 6.5.j.5) to read as follows:
 5. Soil delineations and symbols as per the current U.S.D.A. Natural Resources Conservation Service Soil Survey for Tolland County. Prime farmland soils and stratified drift aquifer areas shall be [delineated] specifically identified and clearly labeled.
3. Revise Section 7.1 Subsections b and c to read as follows:
 - b. The protection of existing and potential public water supply wells and ground water and surface water quality through appropriate design and installation of sanitary systems, drainage facilities, and other site improvements;
 - c. The protection and enhancement of natural and manmade features, including aquifer areas, agricultural lands, hilltops or ridges, expanses of valley floors and features along existing roadways and scenic views and vistas on and adjacent to the subdivision site;
4. Revise Section 7.2 a and b to read as follows:
 - a. Property boundaries, site topography soil types, natural and manmade features and scenic views and vistas should be delineated: (see provisions of 6.5.b through [i]j);
 - b. Significant natural and manmade features, including aquifer areas, agricultural lands, hilltops or ridges, expanses of valley floors and features along existing roadways and scenic views and vistas and adjacent to the subdivision site, and scenic views and vistas and appropriate buffer areas should be incorporated into proposed open space areas.

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5. Revise Section 7.4.a.5 to read as follows:
 5. The site's location with respect to the Willimantic Reservoir Watershed, existing public water supply wellfields or [stratified drift] aquifer areas that may serve as future public water supply wellfields;
6. Revise Section 7.6.a. to read as follows:
 - a. The Commission determines that a reduction or waiver will help protect significant natural and manmade features, including aquifer areas, agricultural lands, hilltops or ridges, expanses of valley floors and features along existing roadways and/or scenic views and vistas;
7. Revise 13.1.4.b. to read as follows:
 - b. Protecting and conserving natural and manmade features, including aquifer areas, agricultural lands, hilltops or ridges, expanses of valley floors and features along existing roadways, and/or scenic views and vistas;

Explanatory note: The proposed revisions are designed to clarify and strengthen existing policies regarding aquifer and public water supply well protection.

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Proposed Revisions to Mansfield's Zoning & Subdivision Regulations Re: Invasive Plant Species

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(Explanatory Notes are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

A. Proposed Zoning Regulation Revisions:

1. Revise Article V, Section A.3.d.15 to read as follows:

Existing and proposed fencing, walls, screening, buffer and landscaped areas, including the location, size and type of significant existing vegetation and unique or special landscape elements; historic features; and the location, size and type of proposed trees and/or shrubs. Plants identified in the current State Department of Environmental Protection Agency listing of invasive species shall not be used. Areas to remain as natural or undisturbed and areas to be protected through the use of conservation easements shall be identified on the site plan.

2. Revise Article VI, Section B.4.q.1 to read as follows:

General - All land use activities and particularly structures, parking areas and outdoor storage areas associated with commercial, industrial, or multi-family residence uses, shall include strategically placed landscape and buffer areas, which shall be designed to protect and preserve property values; to provide privacy from visual intrusion, light, dirt and noise; to prevent the erosion of soil and to provide water recharge areas; to promote pedestrian and vehicular safety; and to enhance the environmental quality and attractiveness of Mansfield.

Except where alternative uses, such as parking areas, are provided for in other sections of these regulations, all required setback areas shall either be attractively landscaped with lawns trees and shrubs or, where appropriate, left in a sightly and well kept natural state. Landscape plans submitted in conjunction with a land use application shall identify, by type, size, height and placement, all proposed landscaping and all existing landscape features to be retained. Plants identified in the current State Department of Environmental Protection Agency listing of invasive species shall not be used. All submitted landscape plans must be adequate to meet the intended aesthetic, buffer and environmental purposes. Particular attention should be given to parking and loading areas, outside storage areas and shadow patterns with respect to south wall and rooftop solar access. See Article X, Section D.16 for supplemental interior parking lot landscaping requirements and Article X, Section S for architectural and design standards.

3. Revise Article X, Section D.18 b. to read as follows:

Interior landscape areas shall contain a mix of trees, shrubs, ground covers and other plantings. At a minimum, one deciduous shade tree at least two (2) inches in caliper, shall be planted for each ten (10) parking spaces. Trees and shrubs placed within five (5) feet of paved areas shall be of a variety capable of withstanding salt damage. Plants identified in the current State Department of Environmental Protection Agency listing of invasive species shall not be used.

4. Revise Article X, Section R.4.b to read as follows:

Where appropriate, integrate existing mature vegetation into the design [and avoid the use of invasive species.] Incorporate a variety of plant species into the design and avoid monocultures. Where appropriate, integrate existing mature vegetation into the design and avoid the use of invasive species. Incorporate a variety of plant species into the design and avoid monocultures. Plants identified in the current State Department of Environmental Protection Agency listing of invasive species shall not be used.

B. Proposed Subdivision Regulations Revisions:

1. Revise Section 8.10 subsections e and g to read as follows:

- e. All new street trees shall be selected by the project landscape architect based on site characteristics, street design, or architecture and tree durability. Where appropriate based on site and neighborhood characteristics, native tree species should be considered. Plants identified in the current State Department of Environmental Protection Agency listing of invasive species shall not be used.
- g. The following list is provided as a guide for selecting durable, quality street trees. However, the Commission encourages consideration of additional trees of equivalent quality (see subsection e above). [It is recommended that street tree species that may be invasive (based on the current listing by the University of Connecticut Center for Conservation and Biodiversity) not be used.]

Explanatory Note:

The proposed revisions are designed to clarify and strengthen existing policies regarding invasive plant species. The regulations all uniformly refer to the State Department of Environmental protection Agency listing of invasive plant species.

LEGAL NOTICE

The Mansfield PZC will hold a Public Hearing on Monday, June 7, 2010 at 7:45 p.m. in the Council Chambers, A.P. Beck Bldg., 4 S. Eagleville Rd, to hear comments on PZC-proposed 4/14/10 draft revisions to the Mansfield Zoning Map and numerous sections of the Zoning and Subdivision Regulations.

Proposed Zoning Map revisions are:

- A. Rezone areas zoned Industrial Park, located east of a Flood Hazard zone containing Conantville Brook and south of Pleasant Valley Road, to Pleasant Valley Residence/Agriculture (PVRA) zone.
- B. Rezone areas zoned Industrial Park located east of Mansfield Ave, west of a Flood Hazard zone containing Conantville Brook and south of Pleasant Valley Rd to a new Pleasant Valley Commercial/Agriculture (PVCA) zone.
- C. Rezone areas zoned Industrial Park that are west of Mansfield Avenue to a Rural Agriculture Residence-90 zone.

Proposed Zoning and Subdivision Regulation revisions include:

1. Revisions to Art. II, VII, VIII, and X. Sec. A. to reference/implement zoning map revisions and to incorporate needed reference and coordination changes. The proposed new PVCA zone will be a Design Development District.
2. A new Art. VII, Sec. U that lists permitted uses in the PVCA zone (including research and certain industrial and repair services uses, communication facilities, automotive garages, offices, commercial recreation, veterinary hospitals and kennels, and agricultural uses).
3. Revisions to Art. VIII, Sec. A including a twenty-five (25) acre minimum lot area for new lots in the proposed PVCA zone.
4. Revisions to Article X, Section A.9 to refine and supplement requirements for the PVRA zone, including provisions for agricultural land preservation and open space/recreation facilities and a new Design Criteria section that has setback requirements from Pleasant Valley Road.
5. A new Article X, Section A.10 to establish special provisions for the PVCA zone, including water and sewer requirements, agricultural land preservation provisions and a Design Criteria section that has setback requirements from Pleasant Valley Road.
6. Revisions to Article V and VI of the Zoning Regulations and Sections 5, 6, 7 and 13 of the Subdivision Regulations to clarify and strengthen existing submission and approval criteria regarding aquifer and public water supply well protection.
7. Revisions to Article V, VI, and X of the Zoning Regulations and Section 8 of the Subdivision Regulations to specify that invasive plant species identified by the State Department of Environmental Protection Agency shall not be used.

At this Hearing, interested persons may be heard and written communications received. No information from the public shall be received after the close of the Public Hearing. Additional information, including the exact mapping of the proposed zoning map revisions and wording of the proposed Zoning and Subdivision Regulations is available in the Mansfield Planning and Town Clerks Offices and at www.mansfieldct.org.

R. Favretti, Chair
K. Holt. Secretary

TO BE PUBLISHED Tuesday, May 25 and Wednesday, June 2, 2010

****PLEASE CHARGE TO THE MANSFIELD PZC/TWA ACCOUNT**

April 14, 2010 Draft

Proposed Revisions to Mansfield's Zoning Map and Zoning Regulations

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(Explanatory Notes are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

A. Proposed Zoning Map revisions (depicted on attached map):

1. Rezone land south of Pleasant Valley Road and east of the Flood Hazard Zone containing Conantville Brook from Industrial Park (IP) to a Pleasant Valley Residence/Agriculture (PVRA) zone classification;
2. Rezone land south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook from Industrial Park (IP) to a new Pleasant Valley Commercial/Agriculture (PVCA) zone classification;
3. Rezone all areas west of Mansfield Avenue that are zoned Industrial Park (IP) to a Rural Agricultural Residence-90 (RAR-90) zone classification.

Explanatory Note: These zone changes are designed to preserve significant areas of prime agricultural land, to protect important natural and scenic resources, to address potential health, safety and neighborhood compatibility issues and to address goals, objectives and recommendations contained in Mansfield's Plan of Conservation and Development.

B. Proposed Zoning Regulations revisions:

1. Revise Article II, Section A as follows:
 - a. Delete IP (Industrial Park zone) from the current listing of zones:
 - b. Add PVCA (Pleasant Valley Commercial/Agriculture zone) to the current listing of zones:

Explanatory Note: These revisions are associated with and tied to the proposed Zoning Map revisions listed in Item A above, and the fact that there is no existing Professional Office 2 zones.

2. Revise Article II, Section B as follows:
 - a. Delete IP Industrial Park from the current listing of "Design Development" Districts;
 - b. Add PVCA Pleasant Valley-Commercial/Agriculture zone to the current listing of "Design Development" Districts.

Explanatory Note: These revisions are associated with and tied to the proposed Zoning Map revisions listed in A above and the fact that there is no existing Professional Office 2 zones.

3. Revise Article VII, subsections A.2. and A.4 as follows:
 - a. Replace "Industrial Park" with "Pleasant Valley Commercial Agriculture" Zone in line 3 of subsection A.2.c
 - b. Replace "Industrial Park" with "Pleasant Valley Commercial Agriculture" Zone in lines 1 and 6 of subsection A.4

Explanatory Note: These revisions are associated and tied to the proposed Zoning Map revisions listed in A above.

4. Revise Article VII, Section K.1. to replace “and” with “and/or” in line 3.

Explanatory Note: This revision reflects the fact that the new area that is proposed to be rezoned from Industrial Park to Pleasant Valley Residence Agriculture historically did not authorize residential uses.

5. Delete Article VII, subsection U, “Uses Permitted in the Industrial Park Zone” in its entirety, add a new Article VII, Subsection U “Uses Permitted in the Pleasant Valley Commercial/Agriculture Zone” (land south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook) and, as necessary, revise zoning cross-references to subsections of Article VII.

The new Article VII, Subsection U shall read as follows:

U. Uses Permitted in the PVCA (Pleasant Valley Commercial/Agriculture Zone (Land south of Pleasant Valley Road and east of Mansfield Avenue))

1. Intent

The PVCA zone has been established with special provisions for a distinct area of Mansfield located south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook. This area has been zoned for decades for intensive industrial and commercial use, but it has remained primarily agricultural. This area is no longer considered appropriate for intensive industrial and commercial use due to access limitations, special agricultural, floodplain, wetland, and aquifer characteristics that warrant protection and preservation, site visibility and scenic character, neighboring agricultural and residential uses and other Plan of Conservation and Development goals, objectives and recommendations. Due primarily to the fact that this area is one of a very limited number in Mansfield that have access to public sewer and water systems, some lower intensity industrial and commercial uses are considered appropriate for portions of this district, but only if designed, constructed, and utilized in a manner compatible with Plan of Conservation and Development recommendations and neighboring land uses. Accordingly, the PVCA zone is subject to special provisions designed to preserve significant areas of prime agricultural land, to protect important natural and scenic resources, and to address other important regulatory objectives.

2. General

The uses listed below in Sections K3 and K4 and associated site improvements are permitted in the PVCA zone, provided:

- a. Any special requirements associated with a particular use are met;
- b. Except as noted below, all uses permitted in the PVCA zone shall be served by adequate public sewer and water supply systems. On a case-by-case basis the Planning and Zoning Commission shall have the right to authorize the use of onsite sanitary waste disposal and/or water supply systems for permitted uses provided it is documented to the Commission’s satisfaction that there is a low risk of aquifer contamination or other health, safety or environmental problems,
- c. Applicable provisions of Article X, Section A (Design Development Districts) and Article VI, Sections A and B (Performance Standards) are met: and
- d. With the exception of those uses included in K.4 below, special permit approval is obtained in accordance with the provisions of Article V, Section B for any of the activities delineated in Article VII, Section A.2.

Article VII, Sections A.3., A.4 and A.5 also include or reference provisions authorizing the Zoning Agent to approve certain changes in the use of existing structures or lots and authorizing

the PZC Chairman and Zoning Agent to approve minor modifications of existing or approved site improvements. All changes in use in the PVCD zone require Planning and Zoning Commission approval in accordance with the provisions of Article VII, Section A.4.

3. Categories of Permitted Uses in the Pleasant Valley Commercial/Agriculture Zone Requiring Special Permit Approval as per the Provisions of Article V, Section B. and Applicable Provisions of Article X. Section A.

- a. Research and development laboratories and related facilities and the production, processing, assembly and distribution of prototype or specialized products which require a high degree of scientific input and on site technical supervision. Specialized products that may be authorized include but shall not be limited to the following: precision mechanical and electronic equipment; business machines; computer components; optical products; medical, dental and scientific supplies and apparatus; and precision instruments;

All genetic or bio-engineering research or development activities and the creation of biogenetic products are limited to those permitted in bio-safety level 1 and 2 (BL-1 and BL-2) laboratories as per the current "Guidelines" of the National Institutes of Health regarding research involving recombinant DNA molecules. The keeping and utilization of small animals for scientific purposes is authorized, provided the animals are kept in an enclosed portion of a building located on the subject lot or in areas specifically approved by the Planning and Zoning Commission;

- b. Commercial printing and reproduction services and the industrial production, processing, assembly and/or distribution of products not specified in Section 3a above, provided the nature, size and intensity of the proposed use complies with environmental, traffic safety, neighborhood impact and all other special permit approval criteria;
- c. Business and Professional Offices;
- d. Repair services for electronic and mechanical equipment, office equipment, home appliances, bicycles and recreational equipment and similar uses;
- e. Commercial recreation facilities; such as tennis clubs and physical fitness centers;
- f. Radio, television and other communication facilities but excluding communication towers or other structures that exceed the maximum height provisions for the PVCA zone;
- g. Veterinary hospitals and commercial kennels boarding or breeding two or more animals provided potential noise impacts are addressed in association with the required Special Permit application;
- h. Repair services for agricultural and commercial vehicles, machinery and equipment and automobile and truck repair services but auto salvage operations are not permitted;
- i. State licensed group daycare homes or state licensed childcare centers as defined by State Statutes;
- j. Permanent retail sales outlets for agricultural and horticultural products, provided all the standards and requirements of Article VII, Section G. 13 are met;
- k. Other commercial agricultural operations (any agricultural or horticultural use that is not authorized by other provisions of these Regulations).
- l. Accessory retail sales and accessory storage and warehousing for any permitted use authorized within Section 3.

4. Uses Which May be Authorized in the Pleasant Valley Commercial/Agriculture Zone by the Zoning Agent:
- Agricultural and horticultural uses such as the keeping of farm animals, field crops, orchards, greenhouses, accessory buildings, etc., provided the provisions of Article VII, Sections G.13 through G.15 are met;
 - Dwelling units for property owners, managers, caretakers, or security personnel associated with a permitted agricultural use provided all residential structures are located on the same lot as the agricultural use.
 - Accessory cafeterias or retail shops conducted primarily for the convenience of employees, provided the use is located within a building and there are no advertising or exterior displays.

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in item A above. This section proposes new permitted use provisions consistent with the intent provisions for the PVCA zone.

6. Revise Article VIII, Section A, Schedule of Dimensional Requirements, as follows:
- Delete from the Schedule the existing row for the IP.
 - Add in the Zone Column "PVCA" to the row containing PVRA (all existing provisions in this row also shall apply to the PVCA Zone). The revised rows shall read as follows:

ZONE	MINIMUM LOT AREA/ACRES	MINIMUM LOT FRONTAGE/FT	MIN. FRONT SETBACK LINE (IN FEET)	MIN. SIDE SETBACK LINE (IN FEET)	MIN. REAR SETBACK LINE (IN FEET)	MAXIMUM HEIGHT	MAXIMUM BUILDING GROUND COVERAGE
	See Notes (3) (4) (18)	See Notes (4)(6)(7)(13)(16)	See Notes (4)(8)(9)(15)(16) (17)	See Notes (4)(10)(11)(15)(16) (17)	See Note (4)(15)(16) (17)	See Note (14)	
PVRA PVCA see note 1	25 ACRES	200	See footnote 17	See footnote 17	See footnote 17	40	25%

- Revise existing foot note 13 on the Schedule of Dimensional Requirements to read as follows:
13. Lot frontage requirements for business and ~~[industrial]~~residential uses within specified ~~[business and industrial]~~ zones may be waived by the Planning and Zoning Commission for private roads, provided special permit approval is obtained (see Article VIII, Section B.3.d)

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in item A above. The proposed 25 acre minimum lot size proposal is designed to help ensure that Plan of Conservation and Development recommendations, particularly those tied to agricultural land preservation, are not undermined by smaller, uncoordinated developments. Existing regulations would allow larger projects to be built in smaller phases.

7. Revise Article VIII, subsection B.3.a, B.3.b, B.3.c, and the first paragraph of B.3.d to read as follows:

3. **[Business and Industrial Exceptions/]Special Dimensional Requirements**

- Setback from Residential Zones** - In the [IP and] RD/LI zone[s], a minimum setback of 150 feet is required between all new industrial or research buildings and residential zone boundary lines. This setback may be reduced by the Commission due to physical characteristics, the nature of proposed landscape and buffer plans or the character of existing land uses.

- b. **Lot Coverage** - Except as noted below, the total ground area coverage of buildings and parking areas in the [IP and] RD/LI Zone[s] shall not exceed 50 percent of the total lot area. Provided all other requirements of these Regulations are met, this coverage limit can be increased to 75 percent for projects directly associated with a program that permanently preserves large tracts of open space or agricultural land.
- c. **Gate Houses/Security Structures** - In the [IP and] RD/LI Zone[s], the Commission may reduce or waive front or side line setbacks for gatehouses and security structures other than residences.
- d. **Lots on Private Roads** - Provided the standards noted below are met and provided special permit approval is obtained in accordance with Article V, Section B, the Commission may allow lots to be created off of private roads [for business and industrial uses] in the following zones: B; PB-1, PB-2, PB-3, PB-4, PB-5, NB-1, NB-2, PO-1, I, [IP] PVCA, PVRA and RD/LI. This regulation allows, under specific standards, lots to be created without frontage on a Town or State road.

(Note: Subsections 3.d.1 through 6 shall remain in effect.)

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

8. Revise Article VIII, subsection C.2 to read as follows:

2. Business

In all Business, [Industrial] and Institutional (PB-1 through 5, NB-1 and 2, B, PO-1 [IP], RD/LI and I) zones, each new building shall have a minimum of 500 square feet of floor area on the ground level.

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

9. Revise Article X, Section A.1 as follows:

- a. Delete IP-Industrial Park from the listing of Design Development Districts.
- b. Add PVCA-Pleasant Valley Commercial/Agriculture Zone to the listing of Design Development Districts.

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

10. Revise Article X., Section A.2.c to delete in line 10 "Industrial park or" and to change "an" to "a".

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

11. Revise Article X, Section A.4.e to delete in line 11 "IP and" and to change "zones" to "zone".

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

12. Revise Article X, Section A.4.h to delete in line 3 "IP or"

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

13. Revise existing Article X, Section A.8 to delete "Industrial Park (IP) and" in the title line of this subsection and to delete references to "IP or" in line 1 of subsection 8a and 8c.

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

14. Revise Article X, Section A.9 (Special Provisions for the Pleasant Valley Residence Agriculture (PVRA) Zone) to read as follows:

a. Delete existing subsection 9.b and replace it with a new Subsection 9.b. to read as follows:

b. Agricultural Land Preservation Requirements

Pursuant to the Plan of Conservation and Development recommendations, the Commission shall have the authority to require up to fifty (50) percent of the prime agricultural acreage on a subject property to be permanently preserved for agricultural use. This agricultural dedication provision may be addressed prior to any development, in association with an initial development phase or incrementally, over a series of phases or developments. However, in applying this provision, cumulatively no more than fifty (50) percent of the prime agriculture acreage of a property in existence at the time this regulation is adopted shall be required to be permanently preserved for agricultural use.

As utilized in this provision, prime agricultural acreage shall be those areas that have been cultivated or otherwise used for agricultural purposes and/or those areas with soils that are classified as "prime agricultural" by the Natural Resources Conservation Service. The location of the agricultural acreage to be preserved shall be determined by the Commission and may be on other land under the control of the applicant. All property owners and prospective developers are encouraged to work with the Commission to identify an appropriate location(s) for preserved agricultural land that will retain agricultural value, complement existing and proposed land uses and enhance adjacent and nearby agricultural land. Based on information reviewed prior to the adoption of this regulation, the following area should be considered for agricultural land preservation:

- Land immediately south of Pleasant Valley Road between Mansfield City Road and the Flood Hazard Zone containing Conantville Brook.

To ensure the permanent preservation of designated agricultural land, conservation easements, approved by the Commission, shall be filed on the Land Records. In addition, the Commission shall have the authority to recommend and facilitate the transferral of agricultural land to be transferred in title to the Town of Mansfield or an acceptable organization dedicated to agricultural preservation. Agricultural easement areas shall be monumented with iron pins and Town Conservations easement markers shall be placed every 50 to 100 feet around the perimeter boundary of the easement area. The Town Markers shall be placed on trees, fences, four (4) inch cedar posts or other structures acceptable to the Commission.

b. In Subsection 9.c. delete "open space/recreational facilities" in lines 2 and 3.

c. Add a new subsection 9.f. to read as follows:

f. Open Space/Recreation Facilities

The Commission shall have the authority to require appropriate open space and recreation facilities for all residential developments. The size and location of any required open space and the degree of any required improvement shall take into account the size and location of the agricultural land to be preserved pursuant to subsection 9.b. (above) and the size and nature of the residential development. In situations where the agricultural land preservation requirements

of Section 9.b (above) have been addressed suitably, any additional acreage that may be required to meet this provision shall be limited to acreage needed to provide specific recreational improvements. As a general guide, for developments with fifty (50) or more dwelling units, the Commission may require multi-use ball fields, tennis courts, and/or playgrounds. For smaller projects, trails, garden areas, and multi-use lawn areas may be considered adequate to meet this requirement. Detailed plans and specifications for proposed or required open space and recreational improvements shall be shown on project plans. Whenever possible and appropriate, active recreational facilities shall be screened from residences, driveways, streets, and parking areas.

d. Add a new subsection 9.g. to read as follows:

g. **PVRA Design Criteria**

To promote the retention and enhancement of the agricultural and scenic character of the Pleasant Valley Residence Agriculture Zone, all new developments shall be designed to preserve and, as appropriate, enhance existing views and vistas from adjacent and nearby roadways and neighboring properties. Developments consisting of more than one structure shall exhibit a high degree of coordination in site planning, architectural design, site design and site detailing. All physical components shall be designed to complement an overall plan. In addition to addressing all applicable provisions of the Architectural and Design Standards contained in Article X, Section R of these regulations, all development shall address the following design criteria:

1. In the event the area zoned Pleasant Valley Residence Agriculture situated south of Pleasant Valley Road is developed in more than one phase or by more than one developer, all design components (including site layout, building layout and building design, and landscaping, lighting and other site improvements) shall be compatible and designed to complement an overall plan. To help ensure compliance with this requirement, the Commission shall have the authority to require the submission of a conceptual master plan (depicting future buildings, roadways/driveways, walkways, service areas, public sewer and water lines, storm water facilities, agricultural preservation areas and other site development components) and associated design guidelines for the entire area. When required, this information shall be submitted in association with a pending special permit application. The Commission shall have the right to approve conditions regulating the development of future phases and ensuring that this provision has been addressed.
2. All new buildings and structures and all associated parking, loading and waste disposal or storage areas shall be located a minimum of five hundred (500) feet from Pleasant Valley Road and appropriately screened. The Commission shall have the right to reduce this locational requirement based on individual site characteristics, the specific proposed use and the specific development design. This locational requirement is designed to help preserve existing agricultural land immediately south of Pleasant Valley Road (see Section 9.b) and to minimize incompatible visual impacts, particularly from Pleasant Valley Road, Mansfield City Road north of Pleasant Valley Road and from Stearns Road.
3. New buildings shall be designed to minimize mass by utilizing smaller visual components through the use of projections, recesses, varied façade treatments, varied roof lines and pitches, and where appropriate, variations in building materials and colors;
4. Site specific landscape and lighting plans shall be designed by qualified professionals and implemented to reduce visual impact, minimize light spill (undesirable light that falls outside

the area of intended illumination) and promote compatibility with neighboring agricultural and residential uses.

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in Above. The revisions in this section are designed to clarify and update agricultural preservation provisions and incorporate appropriate open space/recreational and design criteria requirements for the PVRA zone.

15. Add a new Article X, Section A.10 to read as follows:

10. Special Provisions for the Pleasant Valley Commercial/Agriculture (PVCA) zone

a. Water and Sewer Facilities

Except as noted below, all proposed developments in the PVCA zone must be served by public water and sewer facilities or must be readily connected to such services. "Readily connected" is defined as that point in time when contracts have been let for construction of public sewer and water facilities requested for connection. A Certificate of Compliance shall not be issued until the site is connected to public water and sewer facilities. Article VII Section K.2.b. authorizes the commission to waive this requirement.

b. Building Height Requirements

No building shall exceed three stories or a height of 40 feet.

c. Distance Between Structures

Except as noted below, the distance between any two structures shall be no less than fifty (50) feet. The Commission may vary this spacing requirement when it determines that such variations will enhance the design of the project without significantly affecting either emergency or solar access.

d. Courtyards

Except as noted below, courts enclosed on all sides shall not be permitted and no open court shall have a length or width less than fifty (50) feet. The Commission may vary these requirements when it determines that such variations will enhance the design of the project without significantly affecting either emergency or solar access.

e. Parking

Required parking spaces shall not be allowed on any street or internal roadway and shall be set back a minimum of 10 feet from principal buildings. All spaces shall comply with the parking provisions of Article X, Section D and other dimensional requirements of these Regulations.

f. Agricultural Land Preservation Requirements

Pursuant to the Plan of Conservation and Development recommendations, the Commission shall have the authority to require up to fifty (50) percent of the prime agricultural acreage on a subject property to be permanently preserved for agricultural use. This agricultural dedication provision may be addressed prior to any development, in association with an initial development phase or incrementally, over a series of phases or developments. However, in applying this provision, cumulatively no more than fifty (50) percent of the prime agriculture acreage of a property in existence at the time this regulation is adopted shall be required to be permanently preserved for agricultural use.

As utilized in this provision, prime agricultural acreage shall be those areas that have been cultivated or otherwise used for agricultural purposes and/or those areas with soils that are classified as "prime agricultural" by the Natural Resources Conservation Service. The location of the agricultural acreage to be preserved shall be determined by the Commission and may be on other land under the control of the applicant. All property owners and prospective developers are encouraged to work with the Commission to identify an appropriate location(s) for preserved agricultural land that will retain agricultural value, complement existing and proposed land uses and enhance adjacent and nearby agricultural land. Based on information reviewed prior to the adoption of this regulation, the following area should be considered for agricultural land preservation:

- Land immediately south of Pleasant Valley Road.

To ensure the permanent preservation of designated agricultural land, conservation easements, approved by the Commission, shall be filed on the Land Records. In addition, the Commission shall have the authority to recommend and facilitate the transfer of agricultural land in title to the Town of Mansfield or an acceptable organization dedicated to agricultural preservation.

Agricultural easement areas shall be monumented with iron pins and Town Conservations easement markers shall be placed every 50 to 100 feet around the perimeter boundary of the easement area. The Town Markers shall be placed on trees, fences, four (4) inch cedar posts or other structures acceptable to the Commission.

g. PVCA Design Criteria

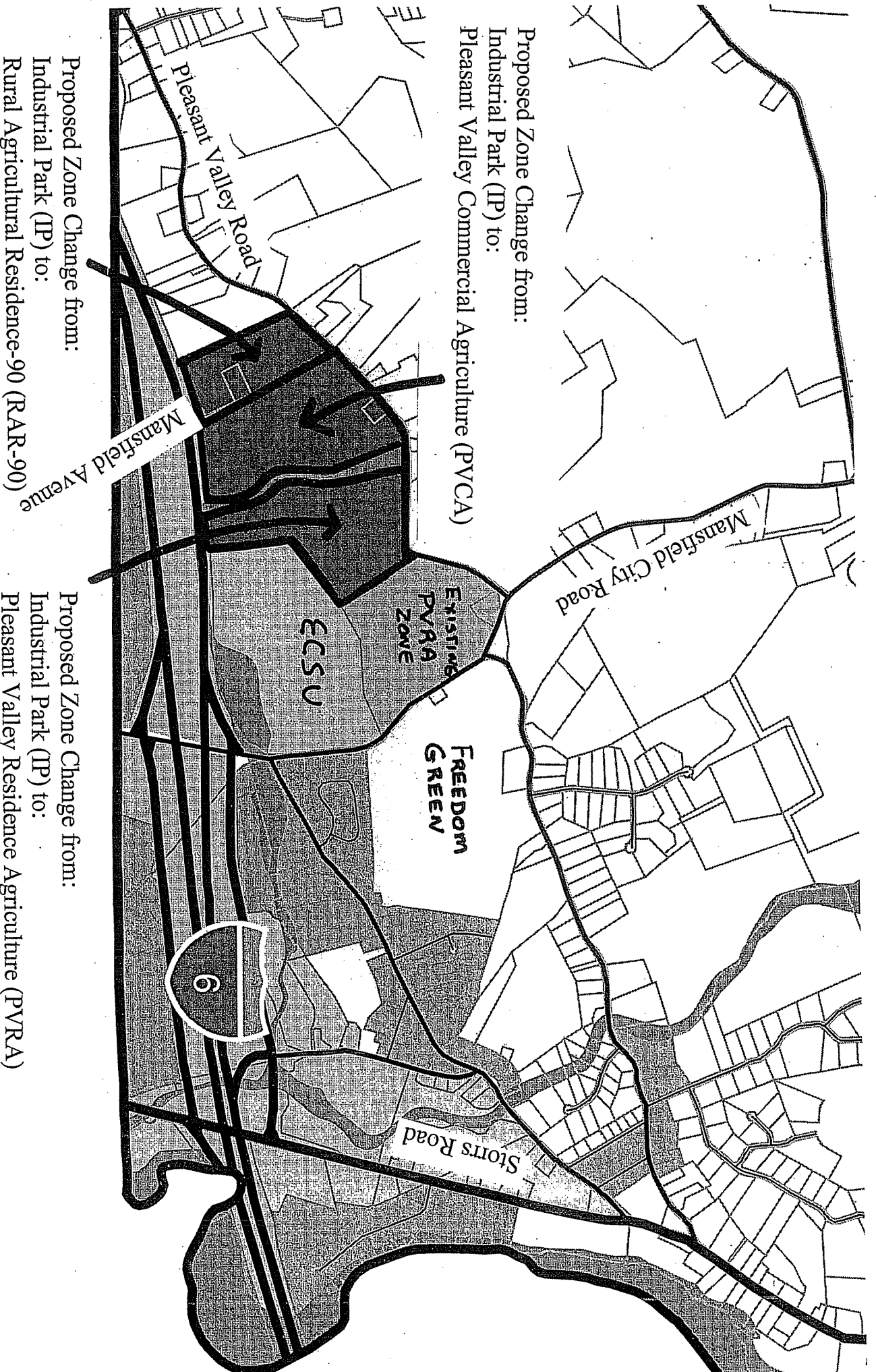
To promote the retention and enhancement of the agricultural and scenic character of the Pleasant Valley Commercial Agriculture Zone, all new developments shall be designed to preserve and, as appropriate, enhance existing views and vistas from adjacent and nearby roadways and neighboring properties. Developments consisting of more than one structure shall exhibit a high degree of coordination in site planning, architectural design, site design and site detailing. All physical components shall be designed to complement an overall plan. In addition to addressing all applicable provisions of the Architectural and Design Standards contained in Article X, Section R of these regulations, all development shall address the following design criteria:

1. In the event the area zoned Pleasant Valley Residence Agriculture situated south of Pleasant Valley Road is developed in more than one phase or by more than one developer, all design components (including site layout, building layout and building design, and landscaping, lighting and other site improvements) shall be compatible and designed to complement an overall plan. To help ensure compliance with this requirement, the Commission shall have the authority to require the submission of a conceptual master plan (depicting future buildings, roadways/driveways, walkways, service areas, public sewer and water lines, storm water facilities, agricultural preservation areas and other site development components) and associated design guidelines for the entire area. When required, this information shall be submitted in association with a pending special permit application. The Commission shall have the right to approve conditions regulating the development of future phases and ensuring that this provision has been addressed.
2. All new buildings and structures and all associated parking, loading and waste disposal or storage areas shall be located a minimum of five hundred (500) feet from Pleasant Valley Road and appropriately screened. The Commission shall have the right to reduce this locational requirement based on individual site characteristics, the specific proposed use and

the specific development design. This locational requirement is designed to help preserve existing agricultural land immediately south of Pleasant Valley Road (see Section 10.f) and to minimize incompatible visual impacts, particularly from Pleasant Valley Road, Mansfield City Road north of Pleasant Valley Road and from Stearns Road.

3. New buildings shall be designed to minimize mass by utilizing smaller visual components through the use of projections, recesses, varied façade treatments, varied roof lines and pitches, and where appropriate, variations in building materials and colors;
4. Site specific landscape and lighting plans shall be designed by qualified professionals and implemented to reduce visual impact, minimize light spill (undesirable light that falls outside the area of intended illumination) and promote compatibility with neighboring agricultural and residential uses.

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in A above. This section proposes new provisions consistent with the intent for the PVCA zone as described in item 5 (proposed Article VII Subsection U).



Town of Mansfield
CONSERVATION COMMISSION
Meeting of 21 April 2010
Conference B, Audrey P. Beck Building
(DRAFT) MINUTES

Members present: Peter Drzewiecki, Quentin Kessel, Scott Lehmann, Frank Trainor.
Members absent: Robert Dahn, John Silander, Joan Stevenson. *Others present:* Grant Meitzler (Wetlands Agent), Greg Padick (Town Planner); Neil Faccinetti, Karl Guillard, John Rickards (residents).

1. The meeting was called to order at 7:39p by Chair Quentin Kessel.

2. Public Comment. Neil Faccinetti expressed concerns about the potential 'neighborhood effects' of the University's new turf research program at the agronomy farm on Spring Hill. These operations require additional water for irrigation, and four new production wells have been drilled; what effect might the extra withdrawal of groundwater have on nearby wells? The operations also involve surface applications of fertilizer and other chemicals; how might runoff affect water quality in nearby wells? There is supposed to be a monitoring program to assess these risks, but Mr. Faccinetti raised questions about its design and operation:

- Of the 4 deep monitoring wells called for, one is a production well that failed to supply sufficient water and was re-designated a monitoring well, while a second encountered a rock collapse during drilling. Can data from these defective wells really testify to the whether the withdrawals are mining groundwater in the area?
- Surface water quality is supposed to be monitored by testing for nitrates in 2 shallow wells. Is this sufficient, given that other chemicals are being used on the turf fields?
- There does not appear to be any provision for monitoring neighborhood wells. 4 such wells were monitored in 2008 during a test pumping from existing agronomy farm wells, but that was before the new production wells were drilled.
- Are monitoring instruments installed in the monitoring wells? How often are data collected? Will these data be made available to the public for review?

Greg Padick indicated that, while the Town has no jurisdiction over the use of State land, it's his understanding that the University administration is willing to answer questions and to attempt to address concerns about land use issues. The Commission agreed unanimously (**motion:** Trainor, Drzewiecki) to invite the University to send representatives to its 5/19 meeting to answer questions from residents about well-monitoring at the agronomy farm. {Faccinetti, Guillard, & Rickards left the meeting.}

3. The draft minutes of the 17 March 2010 meeting, with deletion of the first return address on the letter to Denise Ruzicka, were approved.

4. PZC referrals. Padick outlined proposed amendments to zoning and subdivision regulations on which hearings are scheduled for 6/7. The Commission will discuss them at its May meeting.

- a. **Invasive species.** Sentences prohibiting use of invasive species (as defined by the DEP) in landscaping applications would be added to PZC regulations.
- b. **Aquifer protection.** Language designed to raise the profile of aquifer and public

water supply protection would be added to PZC regulations. Applicants would be required to map aquifers within 500' of a proposed development. Padick noted that the proposed language diverges somewhat from the Commission's recommendations: (i) aquifer protection would be the responsibility of the PZC (rather than the IWA), (ii) the new language speaks generally of "aquifers" rather than of "stratified drift aquifers", (i) the pre-application reviews urged by the Commission are still being studied by the PZC.

5. Gag Rule. Padick passed along to the Commission a 19 April memo from the Town Clerk indicating that the Committee on Committees has recommended to the Town Council that the 2/3/00 Policy Regarding Advisory Committees' Communications with Outside Agencies be reaffirmed without change.

6. Pleasant Valley rezoning. Padick summarized for the Commission a draft of proposed zoning changes for the area south of Pleasant Valley Rd. The Pleasant Valley Industrial Park Zone (a relic of the days when routing I-84 from Hartford to Providence was promoted as an economic development project) would be rezoned into three sections: RAR-90 to the west of Mansfield Avenue, Pleasant Valley Commercial Agriculture (PVCA), allowing limited commercial development, and Pleasant Valley Residence Agriculture (PVRA) to the east. This area has prime agricultural soils overlying a large aquifer, as well as significant scenic values, but it is also one of the few areas in town served by public water and sewer and therefore suitable for multi-family housing. This rezoning proposal, which the Commission will consider at its May meeting, is the PZC's latest attempt to reconcile preservation and development here. Among other things, it would require a 500' setback from Pleasant Valley Road for any structure. {Padick left the meeting.}

7. Kessel reported that:

- a. He and Padick will attend a **Natchaug River Basin Project** meeting on 4/29. This group is being organized to help implement a conservation action plan for the basin.
- b. Bonding authority for **open space** purchase will be on the November ballot.
- c. The DEP has written to Rich Miller regarding UConn's permit for work on the **Swan L. outfall** asking for documents relating to concerns raised by the Commission about shortcomings in the UConn's application for the permit and requesting that no work be done under the permit until the DEP has reviewed this material.
- d. A response from Baystate Environmental Consultants to the Commission's concerns about the **Mirror L. dredging project** has been sent to the DEP, pursuant to its request for more information about the project. It is in the packet for this meeting.

8. IWA referrals.

- a. **W1450 (Town of Mansfield).** The Town has negotiated an easement across the Healy property in Mansfield Center to provide access from Bassett's Bridge Road to town-owned fields adjacent to the Old Mansfield Center Cemetery. A 12' wide gated gravel road between Healy's barn and the kettle bog is proposed to permit passage of mowing machinery. The Commission unanimously agreed (**motion:** Trainor, Drzewiecki) with Meitzler's assessment that no significant impact on the bog is to be

expected, provided standard erosion controls are employed during construction.
{Lehmann participated in the 4/14 IWA field trip to this site; his report is attached.}
b. **W1451 (Town of Mansfield)**. A few sections of the Town's wetlands regulations relating to the expiration of permits are to be slightly revised as required by a change in state statutes. No comment appears to be necessary or useful.

9. Adjourned at 9:21p. Next meeting: 7:30p, Wednesday, 19 May 2010

Scott Lehmann, Secretary, 23 April 2010

Attachment: Report on 14 April 2010 IWA Field Trip

W1450 (Healey Property, 476 Storrs Rd). This is a remnant of the Eaton Farms property in Mansfield Center, extending from relatively narrow frontage on Rte 195 back to the kettle bog. The Town is negotiating a right-of-way across the slight slope between the old barn and the bog to provide pedestrian and farm access from Bassett's Bridge Rd to Town-owned land between the Healey property and the Old Mansfield Cemetery, and is proposing to construct a 12' wide gravel road here for haying operations. There is not much distance between the barn and the bog – the edge of the proposed road would be only about 25' from the bog. However, a road of this sort would probably protect the bog from the sedimentation to be expected, were farm machinery simply driven over the grassy slope.

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, April 19, 2010

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, R. Hall, K. Holt, G. Lewis, B. Pociask (7:02), B. Ryan

Members absent: J. Goodwin, P. Plante

Alternates present: F. Loxsom, K. Rawn, V. Stearns (7:02)

Staff Present: Gregory Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:01 p.m. and appointed alternates Loxsom and Stearns to act in the absence of Goodwin and Plante.

Minutes:

4-5-10- Hall MOVED, Ryan seconded, to approve the 4/5/10 minutes as written. MOTION PASSED with all in favor except Stearns and Loxsom who disqualified themselves.

4-14-10- Hall MOVED, Beal seconded, to approve the 4/14/10 field trip minutes as written. MOTION PASSED with Beal, Favretti, Hall and Holt in favor and all others disqualified.

Zoning Agent's Report:

The Zoning Agent's Monthly Enforcement Report was noted. Hirsch stated that he has issued Hall a Notice of Assessment, adding that the next step is to file on his deed in the Land Records the amount owed in fines, and then begin working with the Town Attorney to file a lawsuit.

Hirsch noted that he and the Chairman signed off on a modification at Southeast Park for a scoreboard at the field, and one at Hunting Lodge Apartments for a basketball and volleyball court.

New Business:

4. Modification Request -Proposed Office, Motor Vehicle Driving School, 699 Storrs Rd, File #554-3

Holt MOVED, Ryan seconded, that the PZC approve the 4/12/10 Request for Modifications by Maximo Garcia for driver's education classroom instruction, as submitted and described by the applicant with the condition that class size is limited to a maximum of ten students and that if the Zoning Agent determines that the existing parking is insufficient for the combined uses of the site, class size shall be reduced or additional parking spaces shall be proposed and reviewed and approved by the PZC. MOTION PASSED UNANIMOUSLY.

5. Request for Utility Work within Conservation Easement Area, Adeline Place, File #1187

Hirsch's memo was discussed. Concern was expressed about setting a precedent if approval were granted.

Beal MOVED, Pociask seconded, that the PZC approve the 4/14/10 request of Pine Grove Estates, LLC to perform the described work within a conservation easement area as shown on the submitted plan and that the disturbed area be restored with a vegetative ground cover satisfactory to the Zoning Agent.

Hall MOVED, Holt seconded to table the motion. MOTION FAILED with Hall, Holt and Stearns in favor of tabling, and all others opposed. After discussion, members determined that the change would not create any significant impact. MOTION on the floor moved by Beal, seconded by Pociask, PASSED with all in favor except Hall who was opposed. Favretti then asked the Director of Planning to investigate the possibility of charging fines when regulations are violated without

modification approval.

Public Hearing:

Special Permit Application, Permanent Agricultural Retail Sales, 483 Browns Road, B. Kielbania o/a, File #1292

Chairman Favretti opened the Public Hearing at 7:35 p.m. Members present were Favretti, Beal, Hall, Holt, Lewis, Pociask, Ryan and alternates Loxsom, Rawn and Stearns. Favretti appointed Loxsom and Stearns to act. Gregory Padick, Director of Planning read the legal notice as it appeared in the Chronicle on 4/6/10 and 4/14/10 and noted the following communications distributed to all members of the Commission: a 4/15/10 report from G. Padick, Director of Planning; a 4/15/10 report from G. Meitzler, Assistant Town Engineer; a 4/5/10 report from J. Jackman, Fire Marshall; and a 4/6/10 report from the Agriculture Committee.

The applicant's representative, Wes Wentworth, P.E., Soil Scientist, Wentworth Civil Engineers, LLC, distributed revised plans dated 4/19/10. Wentworth reviewed the changes to the plans based on staff comments, and discussed the reduction in driveway widths with a one-way traffic flow and elimination of the second easterly driveway exit. Wentworth noted that the farm stand will be open three days a week, from April to December (based on demand). There is a stone wall under construction along the western front boundary of the property, to then be supplemented by evergreen trees and shrubs, to act as a landscape buffer for the abutting neighbor to the west.

Members raised questions regarding the traffic, road conditions, sight lines, winter parking, handicapped signage and accessibility, parking layout, hours of operation, lighting and products that are to be sold.

Chairman Favretti opened the discussion for members of the public.

Raluca Mocanu, 253 Maple Road, asked the applicant to explain how this proposal will be sustainable, environmentally safe and what will be grown on site. She also referenced comments from Bill Palmer of the Agriculture Committee and his concern that the agricultural deed covenant be upheld. (To clarify this point, Wentworth submitted a 2-19-10 email correspondence from J. Dippel, Director Farmland Preservation Program, Connecticut Department of Agriculture.)

Gus Loukas, Browns Road, the abutter to the west, expressed concern for the value of his property, traffic, parking and the safety of his children noting the proximity of his property to the barn and driveway entrance. He stated that when the former owner opened his corn maze to the public, there were cars parked along the road, in his driveway and on his lawn. Often cars would turn around in his driveway, making it unsafe for his children to play there.

Edward Weiser, member of the Agriculture Committee, feels that the type and quantity of product that can be brought in from off-site should be clearly defined. He wanted to know which of Kielbania's fields will be actively cultivated this year and in the future.

There were no further comments or questions from the Commission or the public. Holt MOVED, Hall seconded, to continue the public hearing until 5/3/10. MOTION PASSED UNANIMOUSLY.

Old Business:

1. Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs

Item tabled, pending a public hearing scheduled for 5/3/10.

2. Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, dated 4/14/10, regarding:

- a. Rezoning of Industrial Park Zone and Associated Regulation Revisions
- b. Aquifer and Public Water Supply Protection Regulations
- c. Invasive Plant Species Regulations

Padick referenced his 4/15/10 memo and reviewed in detail the associated 4/14/10 draft revisions. Holt MOVED, Hall seconded, that a public hearing be scheduled for June 7, 2010 to hear comments on the attached 4/14/10 draft revisions to the Zoning Map and Zoning and Subdivision Regulations. The draft regulations shall be specifically referred to the Town Attorney, WINCOG Regional Planning Commission, the adjacent municipalities, Town Council, Zoning Board of Appeals, Conservation Commission, Open Space Preservation Committee, Agriculture Committee and Design Review Panel.

MOTION PASSED UNANIMOUSLY.

New Business:

1. 8-24 Referral, 2010-11 Capital Improvement Budget

Ryan MOVED, Holt seconded, that the PZC approve, subject to the condition below, the proposed 2010-11 Capital Improvement Program.

Several items are land-use-regulated and may require PZC and/or IWA approvals before implementation. The PZC respectfully requests that the departments involved with land-use projects coordinate plans with the Director of Planning and Inland Wetlands Agent and that the Commission/Agency be given adequate time to thoroughly review and act upon final plans for all projects that require PZC or IWA approval.

The PZC also recommends that the Town Council include in the 2010-11 Capital Improvement Budget funding for open space acquisition and management. MOTION PASSED UNANIMOUSLY.

2. Request to Extend Special Permit Approval, Gibbs Oil Company, 9 Stafford Rd, PZC File #404-3

Holt MOVED, Ryan seconded, that the Planning and Zoning Commission approve a third extension of the period of time to begin construction of the Gibbs Expansion Project on property located at 9 Stafford Road. The new date to begin construction is October 1, 2011 unless an additional extension is requested and approved. MOTION PASSED UNANIMOUSLY.

3. Request to Extend Special Permit Approval, St. Paul's Collegiate Church, 1768 Storrs Rd, File #1275

Holt MOVED, Hall seconded, that the Planning and Zoning Commission approve an extension of the period of time to begin construction of the expansion at St. Paul's Collegiate Church on property located at 1768 Storrs Road. The new date to begin construction is May 7, 2011 unless an additional extension is requested and approved. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

None noted.

Communications and Bills:

Noted.

Adjournment:

Chairman Favretti declared the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Katherine Holt, Secretary

DRAFT MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, May 3, 2010

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin (7:48 p.m.), R. Hall, K. Holt, G. Lewis,

P. Plante, B. Pociask, B. Ryan

Alternates present: F. Loxsom, K. Rawn

Alternates absent: V. Stearns

Staff Present: Gregory Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:35 p.m. and appointed Rawn to act until Goodwin arrived.

Minutes:

4/19/10-Hall MOVED, Ryan seconded, to approve the 4/19/10 minutes as written. MOTION PASSED with all in favor except Plante who disqualified himself.

Public Hearing:

Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs, PZC File 907-32

Chairman Favretti opened the public hearing at 7:36 p.m. Members present were R. Favretti, M. Beal, J. Goodwin (7:48 p.m.), R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan and alternates F. Loxsom, K. Rawn. Alternate Rawn was appointed to act until Goodwin's arrival. G. Padick, Director of Planning, read the Legal Notice as it appeared in the Chronicle on 4/20/10 and 4/28/10 and noted the following communications received and distributed to all members of the Commission: a 5/3/10 memo from G. Padick, Director of Planning; a 4/29/10 memo from D. Edens of 24 Birchwood Heights Road; a 5/3/10 email from C. Pellegrine; and a 5/3/10 memo from D. O'Brien, Mansfield Town Attorney. In addition to those communications, Padick noted the draft revisions had also been referred to appropriate staff, WINCOG Regional Planning Agency, Mansfield's Public Notice Registry and abutting towns.

Padick summarized each proposal and discussed the reasoning behind the changes and the intended results if approved.

Favretti noted no comments from the PZC and opened the floor for public comment regarding the definition of family and boarding house.

Jake Friedman requested the PZC take into consideration the impact on housing if the number of persons per household is limited.

Betty Wassmundt questioned if the non-conforming status would go with the land or the owner; if the PZC considered a situation in which the majority of the homes in a neighborhood are non-conforming with four un-related persons and a new house is used as a rental with 3 un-related people, will the new house be worth less because it is limited to three un-related; if thought had been given to encouraging neighborhood associations; and if the State of Connecticut defined family. Padick answered that the non-conforming status goes with the land, and Connecticut does not define family.

David Freudman felt this was a "broad brush approach" and thought it was not the right of the Town to define family; he felt that as houses age it may be more beneficial to convert them to rental

properties and this would limit that use; consideration should be given to the number who can live in smaller versus larger homes; he was troubled by Town employees going around observing how many cars are in driveways of student rentals. It appears that the Town is "targeting" students.

Mike Sikoski agreed with the previous speakers and noted that it isn't troublesome having students as neighbors, it's having troublesome students as neighbors that is the problem. He felt that enforcement was an issue and noted that if the current regulations were hard to enforce now, this new regulation won't make it any easier.

Joan Hall, who owns and rents properties in Mansfield, felt that the proposed changes in some ways are more generous because the definition of family is expanded. She had no opposition to the definition change from four to three un-related persons.

Favretti noted there were no more comments regarding the definition of family and boarding house, and he opened the floor for public comment regarding political signs.

Cynara Stites thanked the PZC for the proposed change and noted that as the President of the Northeast Chapter of the American Civil Liberties Union she found the revised regulations to be acceptable.

David Morse agreed with Stites comments.

Noting no further comments or questions from the Commission or public, Plante MOVED, Holt seconded, to continue the Public Hearing until June 7th. MOTION PASSED UNANIMOUSLY.

Public Hearing:

Special Permit Application, Permanent Agricultural Retail Sales, 483 Browns Road, o/a B. Kielbania, File #1292

Chairman Favretti opened the continued Public Hearing at 8:22 p.m. Members present were R. Favretti, M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan and alternates F. Loxsom, K. Rawn. Padick noted the following communications received and distributed since the 4/19/10 Public Hearing: a 4/28/10 memo from G. Meitzler, Assistant Town Engineer; a 4/29/10 memo from G. Padick, Director of Planning; and a 4/29/10 memo from G. Havens, E.H.H.D.

The applicant's representative, Wes Wentworth, P.E., Soil Scientist, Wentworth Civil Engineers, LLC, presented a 4/19/10 letter from J. Dipple, Director of the Farmland Preservation Program from the CT Department of Agriculture which outlined the proposal and stated that the farm stand expansion, green houses, and various barn expansions are acceptable uses.

Pociask questioned if any changes will be made for a handicap pathway, noting a 10% grade, and asked about additional lighting around the barn. Wentworth noted that the grade can be lessened when creating the pathway which will be built with D.O.T. standard stone-dust. At this time no additional lighting has been proposed.

Holt questioned if the applicant would be willing to eliminate the corn maze and agree to no outdoor amplification of music.

Attorney April Teveris, representing the applicant, indicated that Mr. Kielbania would be willing to withdraw the portion of his application that includes the corn maze at the site, but would like to reserve the right to come back to the Commission in the future should he want to revisit that part of the project.

Loxsom expressed concern about the traffic entering and leaving the site and if the precautionary signs would be enough to help the safety of travelers in that area. He asked Padick if speed humps

near the area would be helpful. Padick responded that the Traffic Authority would not consider speed humps on a Collector Road such as Browns Road.

Favretti noted no comments from the PZC and no comments from the public.

Attorney April Teveris summarized the proposal stating that Mr. Kielbania is planning to bring a quality product to our community. She also noted that the applicant has tried to contact and work out concerns with the Loukas family with no resolution at this time.

Gus Loukas, the abutting property-owner, expressed that he was not opposed to the proposal, but was just concerned for the proximity of the activity to his home where his children's safety may be compromised by the extra vehicular traffic and visitors to the site.

Beal MOVED, Plante seconded, to close the public hearing at 8:47 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

1. Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, PZC File 907-33

- a. Rezoning of Industrial Park Zone and Associated Regulation Revisions
- b. Aquifer and Public Water Supply Protection Regulations
- c. Invasive Plant Species Regulations

Tabled-Public Hearing Scheduled for 6/7/10.

New Business:

1. Special Permit Modification Request Mansfield Hollow Hydro Project, 114 Mansfield Hollow Rd.

File #1243

Mr. Shifrin agreed to have the testimony presented at the IWA Public Hearing entered into the record of the PZC. Goodwin disqualified herself, and Chairman Favretti appointed Rawn to act.

Pociask MOVED, Ryan seconded, that the PZC Chairman and Zoning Agent be authorized to approve the modification request of S. and M. Shifrin for revisions to the planned Mansfield Hollow Hydro Facility at 114 Mansfield Hollow Road, as depicted on a 4/26/10 site plan as prepared by Datum Engineering and Surveying, LLC and 4/20/10 Power House rendering, and as described in other application submissions, subject to the following conditions:

1. All conditions cited in the Planning and Zoning Commission's April 6, 2006 approval shall remain in effect.
2. All necessary permit modifications from other agencies having jurisdiction over this project shall be obtained prior to construction.
3. No Zoning Permit shall be issued until it is confirmed that rear line setback requirements have been complied with. Final plans shall incorporate any appropriate changes in the depicted rear line setback.

MOTION PASSED with all in favor except Goodwin who was disqualified.

Zoning Agent's Report:

The Zoning Agent's Monthly Enforcement Report was noted. Hirsch noted that Ed Hall is appealing the citations issued. There will be a hearing this Wednesday and Hall plans to make a plea as to why he isn't in violation. Hirsch will update the PZC at the next meeting on the hearing officer's decision.

Hirsch also noted a modification request for the interior use of a section of an existing building, Land of Local Treasures at 1029 Storrs Road. The applicant, Ms. Amanda Stinson, and the building

owner, Mrs. Michelle Landon, were both present. The area would be used as a tattoo parlor and would be by appointment only with Stinson as the only employee, noting that no more than 2 cars at a time would be parked there. Favretti questioned if she planned on having a sign, and Stinson indicated it would be one small sign that would fit under the existing sign. She indicated that the hours of operation would not extend past the hours of the Land of Local Treasures. Plante MOVED, Hall seconded, that the PZC authorize the PZC Chairman and the Zoning Agent to approve the 4/20/10 Request for Modifications of Amanda Stinson for a tattoo studio at 1029 Storrs Road, as submitted and described by the applicant. MOTION PASSED UNANIMOUSLY.

New Business Continued:

2. Request for Bond Release- Pine Grove Estates, File #1187-2

Holt MOVED, Pociask seconded, that the PZC authorizes the Director of Planning to take appropriate actions to release a \$20,000 cash bond plus interest that has been held to ensure that all Subdivision improvements in the Pine Grove Subdivision remain in an acceptable condition. MOTION PASSED UNANIMOUSLY.

3. Request for Shed within Development Area Envelope, 37 Adeline Place, File #1187-2

Holt MOVED, Plante seconded, that the PZC authorize the placement of a 10 by 16-foot storage shed to be located outside of the Building Area Envelope at 37 Adeline Place, as submitted by Sean Maynard and depicted on a plan dated 4/28/10, as provided for under Article VIII, section B.1.d of the Mansfield Zoning Regulations. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

Chairman Favretti noted the next Regulatory Review Committee meeting will be on 5/11/10 at 2pm in Conference Room C.

Communications and Bills:

Noted.

Adjournment:

Chairman Favretti declared the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Katherine Holt, Secretary